DOCUMENT RESUME

ED 072 266 VT 018 750

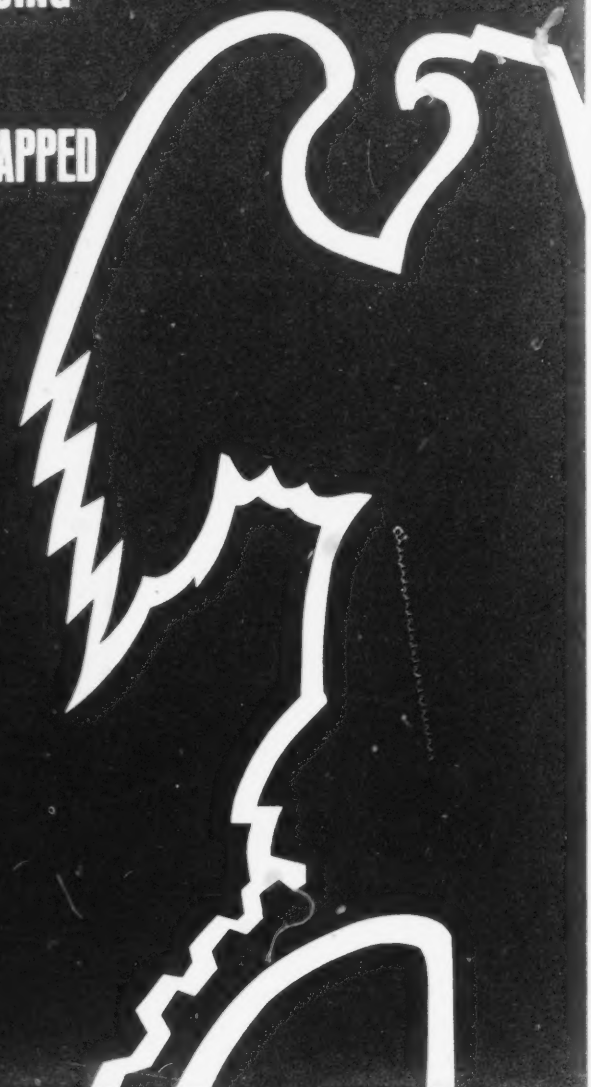
TITLE	American Profile: What States Are Doing (And Can Do) To Hire the Handicapped.
INSTITUTION	President's Committee on Employment of the Handicapped, Washington, D.C.
PUB DATE	71
NOTE	75p.
EDRS PRICE	MF-$0.65 HC-$3.29
DESCRIPTORS	Employment Opportunities; *Employment Practices; *Equal Opportunities (Jobs); Government Employees; *Handicapped; Job Placement; *State Government; Supervisory Training

ABSTRACT

This booklet, prepared by the Public Service Committee, is designed to assist appropriate officials in each state to establish rules, regulations, and policies which will permit handicapped persons an equal opportunity to compete for jobs in state governments. Data gained from a survey of 50 states plus the District of Columbia and Virgin Islands are presented individually and in chart form with respect to whether the state has or does not have: (1) a civil service or merit system plan, (2) a governor's written statement supporting hiring of the handicapped, (3) written policy on employment of the handicapped in the state personnel manual, (4) provision for temporary direct appointments, (5) special appointments in lieu of regular testing, (6) appointments to some specific jobs reserved for those with specific handicaps, (7) program of retention and reassignment, (8) agency coordinators to promote employment, (9) training for supervisors in dealing with the handicapped, and (10) special testing arrangements for handicapped who cannot take regular tests. Sample governors' statements, congressional resolutions, and sets of manual instructions for a complete handicapped hiring program adaptable to any state are appended. (SB)

American Profile

WHAT STATES ARE DOING (and can do) TO HIRE THE HANDICAPPED



ED 072266

The President's Committee on Employment of The Handicapped

ED 077269

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY

American Profile

WHAT STATES ARE DOING (and can do) TO HIRE THE HANDICAPPED

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT
OF THE HANDICAPPED
Washington, D.C. 20210

FOREWORD

All too many disabled people have taken the long, hard road to rehabilitation, preparing for an independent life of work—only to be stopped at the threshold of their goals by unrealistic hiring practices.

These practices can be found everywhere in America—public sector as well as private sector. We have in mind such factors as rigid physical requirements, tests not adapted to the handicapped, work standards not related to the job, so on.

State governments have made much progress through the years in eliminating barriers against the handicapped—economical, physical, psychological. This booklet attests to that. But there is room for still more progress.

Our hope is that the booklet will help point the way. Our hope is that the States will continue to take the lead in bringing full opportunity to all handicapped citizens. Our hope is that the day will come when there will be 100 percent performance. May it come soon.

Harold Russell

HAROLD RUSSELL
Chairman

CONTENTS

Foreword iii

Introduction 1

Survey of the States 2

Handicapped Programs by State 3

Box Score 27

Appendix 33

Governor's Directive 35

Sample Administrative Manual for Selective Placement Programs 37

General Provisions 37

Definition

Coverage

Legal Basis

Responsibility

Commission's Role 38

General

Central Office

Medical Support

Agency's Role 40

General

Coordinator Program

Employment of the Physically Handicapped 43

Definition

Appointment

Reading Assistants for Blind Employees

Employment of the Mentally Restored 45
Definition
General
Appointment

Employment of the Mentally Retarded 46
Definition
General Policy
Program Procedures

Reassignment in Lieu of Disability Retirement 48
General
Agency Responsibility for Employee Utilization
Agency Responsibility to the Employee
Coercion Not to Enter Reassignment Efforts

Recognition–Awards Program for Outstanding Handicapped State Employee of the Year 50
General
Purpose
Criteria
Nomination
Selection
Role of the Coordinator

State Handicapped Employment Policies (Samples) 53
Delaware–Executive Order
Kentucky–Policy Statement
Massachusetts–Legislation
Oklahoma–Policy Statement
Joint Resolution
West Virginia–Policy Statement
New Mexico–Legislation

Remarks by Governors' Committees 73

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED
Washington, D.C. 20210

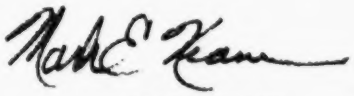
INTRODUCTION

This booklet, developed by the Public Service Committee, is designed to assist appropriate officials in each state to establish rules, regulations, and policies which will permit handicapped persons an equal opportunity to compete for jobs in state governments.

It contains sample Governors' statements, Congressional resolutions and sets of manual instructions for a complete handicapped hiring program adaptable to any state. Members of the Public Service Committee, with representatives in all states, stand ready to assist Governors' Committees in getting these principles adopted by state governments.

The need for such a program guide became quite clear following completion of a nationwide survey conducted by this committee which for the first time graphically shows the strengths and weaknesses of state handicapped hiring policies throughout the country.

The charts attached are not intended to point an accusing finger at any state for its lack of written policy nor to glorify another for having a complete program on paper. The purpose is to determine what is needed to assure the handicapped an equal opportunity to compete for state government jobs and to generate an interest in the handicapped as a good source of capable workers.



MARK KEANE
Chairman
Public Service Committee

SURVEY OF THE STATES

The President's Committee recently surveyed all State governments to learn about their hiring practices for handicapped job applicants.

The results were heartening. Much is going on to improve opportunities for the handicapped. But—as is the case in any endeavor anywhere—much more could go on.

Here's a summary of the questions asked, and the State responses:

THE QUESTION	STATES RESPONDING "YES"
Does your State have a civil service or merit system plan?	48
Has your Governor issued a written statement supporting hiring of the handicapped?	36
Does your State personnel manual have a written policy on employment of the handicapped?	18
Does your State provide for temporary direct appointments of the handicapped?	18
Does your State offer special appointments of the handicapped in lieu of regular testing?	24
Are appointments to some specific jobs reserved for those with specific handicaps?	11
Do you have a program of retention and reassignment for those handicapped on the job?	22
Does your State have agency coordinators to promote employment of the handicapped?	16
Do you offer training for supervisors in how to deal with handicapped employees?	13
Are there special testing arrangements for the handicapped who cannot take regular tests?	44
This question was asked of Governors' Committees on Employment of the Handicapped	
Has your Governor's Committee established either a Government Subcommittee or an Inter-Agency Committee?	10

Handicapped Programs by State

Following is a State-by-State listing of hiring practices, as disclosed by the President's Committee survey.

We realize that circumstances differ, that achievements take place even without formalized programs. But the listing can be helpful in inventorying possible needs.

442-744 O - 71 - 2

ALABAMA

Has

Civil Service or Merit System
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators

ALASKA

Has

Civil Service or Merit System
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

ARIZONA

Has

Civil Service or Merit System
Agency Coordinators
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Training Program for Supervisors Handling the Handicapped

ARKANSAS

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Retention and Reassignment Rights

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

CALIFORNIA

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

COLORADO

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Special Appointments in Lieu of Testing

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

CONNECTICUT

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Retention and Reassignment Rights
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

DELAWARE

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped

Special Appointments in Lieu of Testing
Retention and Reassignment Rights
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

Does Not Have

Agency Coordinators
Appointments Reserved for Specific Disabilities

FLORIDA

Has

Civil Service or Merit System
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

GEORGIA

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Retention and Reassignment Rights (For Disabled Veterans during RIF)
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

HAWAII

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled (Law)
Retention and Reassignment Rights
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

IDAHO

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Special Testing Arrangements for the Handicapped

Does Not Have

Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

ILLINOIS

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Special Appointments in Lieu of Testing
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

INDIANA

Has

Civil Service or Merit System
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

IOWA

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual (Working on Law)
Retention and Reassignment Rights
Special Testing Arrangements for the Handicapped

Does Not Have

Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

KANSAS

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

KENTUCKY

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Special Appointments in Lieu of Testing
Agency Coordinators (In part)
Special Testing Arrangements for the Handicapped

Does Not Have

Temporary Appointments for the Handicapped
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Training Program for Supervisors Handling the Handicapped

LOUISIANA

Has

Civil Service or Merit System
Retention and Reassignment Rights
Special Testing Arrangements for the Handicapped

442-744 O - 71 - 3

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

MAINE

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Temporary Appointments for the Handicapped
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

MARYLAND

Has
Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Special Appointments in Lieu of Testing
Special Testing Arrangements for the Handicapped

Does Not Have

Temporary Appointments for the Handicapped
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

MASSACHUSETTS

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Temporary Appointments for the Handicapped (In part)
Special Appointments in Lieu of Testing (In part)
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Retention and Reassignment Rights

MICHIGAN

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators (In part)
Special Testing Arrangements for the Handicapped

Does Not Have

Training Program for Supervisors Handling the Handicapped

MINNESOTA

Has

Civil Service or Merit System
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

MISSISSIPPI

Has

Civil Service or Merit System (In part)
Governor's Statement Supporting Hiring of Disabled
Temporary Appointments for the Handicapped (In part)

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

MISSOURI

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Retention and Reassignment Rights
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

MONTANA

Has

Civil Service or Merit System (In part)
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

NEBRASKA

Has

Civil Service or Merit System (Working on it)
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Special Testing Arrangements for the Handicapped

Does Not Have

Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

NEVADA

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual (Vets only)
Temporary Appointments for the Handicapped

Special Appointments in Lieu of Testing
Retention and Reassignment Rights
Special Testing Arrangements for the Handicapped

Does Not Have

Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

NEW HAMPSHIRE

Has

Civil Service or Merit System
Handicapped Policy Expressed in State Personnel Manual
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

NEW JERSEY

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Retention and Reassignment Rights
Agency Coordinators (In part)
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

Does Not Have

Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities

NEW MEXICO

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Special Testing Arrangements for the Handicapped

Does Not Have

Retention and Reassignment Rights
Training Program for Supervisors Handling the Handicapped

NEW YORK

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual (Law)
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators (In part)
Training Program for Supervisors Handling the Handicapped (In part)
Special Testing Arrangements for the Handicapped

Does Not Have

Temporary Appointments for the Handicapped

NORTH CAROLINA

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Special Appointments in Lieu of Testing
Special Testing Arrangements for the Handicapped

Does Not Have

Temporary Appointments for the Handicapped
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

NORTH DAKOTA

Has

Civil Service or Merit System
Agency Coordinators
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Training Program for Supervisors Handling the Handicapped

OHIO

Has

Civil Service or Merit System
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

OKLAHOMA

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Agency Coordinators
Special Testing Arrangements for the Handicapped

Does Not Have

Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Training Program for Supervisors Handling the Handicapped

OREGON

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Appointments Reserved for Specific Disabilities
Special Testing Arrangements for the Handicapped

Does Not Have

Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

PENNSYLVANIA

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Retention and Reassignment Rights

442-744 O - 71 - 4

Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

Does Not Have

Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities

RHODE ISLAND

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled (Working on it)
Special Appointments in Lieu of Testing
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

SOUTH CAROLINA

Has

Governor's Statement Supporting Hiring of Disabled

Does Not Have

Civil Service or Merit System
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

SOUTH DAKOTA

Has

Civil Service or Merit System (In part)
Governor's Statement Supporting Hiring of Disabled
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Agency Coordinators
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Training Program for Supervisors Handling the Handicapped

TENNESSEE

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Agency Coordinators

TEXAS

Has

Governor's Statement Supporting Hiring of Disabled
Agency Coordinators (In part)
Training Program for Supervisors Handling the Handicapped (In part)

Does Not Have

Civil Service or Merit System
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Special Testing Arrangements for the Handicapped

UTAH

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Retention and Reassignment Rights
Agency Coordinators (In part)
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Appointments Reserved for Specific Disabilities
Training Program for Supervisors Handling the Handicapped

VERMONT

Has

Civil Service or Merit System
Retention and Reassignment Rights

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

VIRGINIA

Has

Governor's Statement Supporting Hiring of Disabled
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Agency Coordinators (In part)
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

Does Not Have

Civil Service or Merit System
Handicapped Policy Expressed in State Personnel Manual
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights

VIRGIN ISLANDS

Has

Civil Service or Merit System

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

WASHINGTON

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Temporary Appointments for the Handicapped
Retention and Reassignment Rights
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

WEST VIRGINIA

Has

Civil Service or Merit System
Governor's Statement Supporting Hiring of Disabled
Special Appointments in Lieu of Testing
Special Testing Arrangements for the Handicapped

Does Not Have

Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

WISCONSIN

Has

Civil Service or Merit System
Retention and Reassignment Rights (Disabled Vets during RIF)
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

WYOMING

Has

Civil Service or Merit System (In part)
Special Testing Arrangements for the Handicapped

Does Not Have

Governor's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in State Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped

DISTRICT OF COLUMBIA

The District of Columbia is bound by the personnel policies of the Federal Government in its hiring practices; therefore, it has the following:

Civil Service or Merit System
President's Statement Supporting Hiring of Disabled
Handicapped Policy Expressed in Federal Personnel Manual
Temporary Appointments for the Handicapped
Special Appointments in Lieu of Testing
Appointments Reserved for Specific Disabilities
Retention and Reassignment Rights
Agency Coordinators
Training Program for Supervisors Handling the Handicapped
Special Testing Arrangements for the Handicapped

Box Score

Here's the same material as in the foregoing section, in tabular form.

A word of explanation about the symbols in the boxes:

X means "yes."

A means "working on it."

B means "yes, in part."

C means "for disabled veterans during reduction in force."

D means "for veterans only."

L means "law."

442-744 O - 71 - 5

	Civil Service or Merit System	Governor's Statement Supporting Hiring of Disabled	Handicapped Policy Expressed in State Personnel Manual	Temporary Appointments for the Handicapped	Special Appointments for the of Testing	Appointments in Lieu	Specific Disabilities Reserved for Retention and Reassignment	Rights	Agency Coordinators	Training Program for Supervisors Handling the Handicapped	Special Testing Arrangements for the Handicapped	
ALASKA	X		X	X	X				B	X		
ALAS	X									X		
ARIZ	X			A	A	A	A	X	A	X		
ARK	B	X					X					
CALIF	X	X	X	X	X	X	X	X	X	X		
COLO	X	X			X							
CONN	X	X					X	A	A	X		
DEL	X	X	X	X	X	A	X		X	X		
FLA	X							A		X		
GA	X	X					C			X		
HAWAII	X	L					X			X		
IDAHO	X	X	X	X	X				A	X		
ILL	X	X			X					X		

	Civil Service or Merit System	Governor's Statement Supporting Hiring of Disabled	Handicapped Policy Expressed in State Personnel Manual	Temporary Appointments for the Handicapped	Special Appointments for the of Testing	Appointments in Lieu	Specific Disabilities Reserved for Retention and Reassignment	Rights	Agency Coordinators	Training Program for Supervisors Handling the Handicapped	Special Testing Arrangements for the Handicapped	
IND	X			A	A	A	A				X	
IOWA	X	X	A-L				X				X	
KANS	X	X									X	
KY	X	X	X		X			B			X	
LA	X						X				X	
ME	X	X		X							X	
MD	X	X	X		X						X	
MASS	X	X		B	B	X		X	X		X	
MICH	X	X	X	X	X	X	X	B			X	
MINN	X										X	
MISS	B	X		B								
MO	X	X					X				X	
MONT	B										X	

	Civil Service or Merit System	Governor's Statement Supporting Hiring of Disabled	Handicapped Policy Expressed in State Personnel Manual	Temporary Appointments for the Handicapped	Special Appointments in Lieu of Testing	Specific Disabilities Reserved for Appointments	Retention and Reassignment Rights	Agency Coordinators	Training Program for Supervisors Handling the Handicapped	Special Testing Arrangements for the Handicapped	
NEBR	A	X	X							X	
NEV	X	X	D	X	X		X			X	
N H	X		X							X	
N J	X	X	X				X	B	X	X	
N MEX	X	X	X	X	X	X		X		X	
N Y	X	X	L		X	X	X	B	B	X	
N C	X	X	X		X					X	
N DAK	X							X		X	
OHIO	X				X	X	X			X	
OKLA	X	X	X	X	X			X		X	
OREG	X	X	X			X				X	
PA	X	X	X				X	X	X	X	
P R			DID NOT RESPOND								

	Civil Service or Merit System	Governor's Statement Supporting Hiring of Disabled	Handicapped Policy Expressed in State Personnel Manual	Temporary Appointments for the Handicapped	Special Appointments for the of Testing	Appointments in Lieu Specific Disabilities	Reserved for Retention and Reassignment	Rights	Agency Coordinators	Training Program for Supervisors Handling the Handicapped	Special Testing Arrangements for the Handicapped	
R I	X	A			X						X	
S C		X										
S DAK	B	X		X	X			X			X	
TENN	X	X		X	X	X	X			X	X	
TEX		X						B	B			
UTAH	X	X		X	X		X	X			X	
VT	X						X					
VA		X		X	X			B	X		X	
V I	X											
WASH	X	X		X			X				X	
WVA	X	X			X						X	
WIS	X						C				X	
WYO	B										X	

Appendix

What follows is material that should be of guidance to States planning to increase their activities in employment of the handicapped.

Included are the following:

- A sample Governor's Directive that possibly could be issued to the heads of all State agencies, establishing policies favoring full and equal opportunities to the handicapped. Of course it can be adapted to meet the needs of specific States.

- A sample section on selective placement programs for the handicapped, for inclusion in State administrative and personnel manuals. Again, the suggested provisions here can be adapted to fit State needs.

- What six States have done:

  Delaware's Executive Order by the Governor, establishing policy for employment of the handicapped.

  Kentucky's Department of Personnel policy on employment of the handicapped, along with a Memorandum of Agreement.

  Massachusetts' law clarifying the appointment of the mentally retarded to certain State civil service positions.

  Oklahoma's Governor's policy on employment of the handicapped and the aged.

  West Virginia's civil service system applying to the handicapped.

  New Mexico's State law regarding employment of the handicapped.

- Finally, random comments by Governors' Committees on Employment of the Handicapped as to what might be done to improve employment prospects for the handicapped.

SAMPLE

GOVERNOR'S DIRECTIVE

TO: Heads of all State Agencies

SUBJECT: Employment of the Handicapped

It is the policy of the State of _____ that handicapped citizens be given full consideration for employment in all departments and agencies. Every effort shall be made to employ and retain handicapped persons in positions in the service of the state where their handicaps will not impair their performance.

I direct each department and agency under the Governor's jurisdiction to observe these policy guidelines in the state's employment practices:

1. Physical standards will be fair, reasonable, and adapted to the realistic requirements of jobs. Such standards will be based on complete, factual information regarding working conditions, hazards, and essential physical requirements of each job. Physical standards will not be used to arbitrarily eliminate the handicapped person from consideration.

2. An opportunity will be provided for a fair appraisal of pertinent qualifications of the handicapped.

Where pre-employment tests are used, opportunity will be provided applicants with certain physical impairments to demonstrate pertinent knowledge, skill, and abilities by testing methods adapted to their special circumstances. This will include the blind, deaf, and all others who may have difficulty in taking the usual examination.

An opportunity will be provided for the mentally retarded and severely physically handicapped to waive written examinations or performance ratings and if otherwise qualified, be rated according to training and experience.

3. Physical abilities of handicapped persons being considered for examination, appointment, or reassignment will be appraised in relation to the essential physical requirements of jobs.

Particular attention will be given to the degree to which handicapped applicants or employees have compensated for their impairments by the development of special skills or methods, by the sharpening of unimpaired senses, or by the use of prosthetic devises.

4. Employees who acquire disabilities as the result of work injuries, on or off the job, or disease conditions will be given full opportunity in reemployment or in transferring to other more suitable jobs.

If necessary, Vocational Rehabilitation Services of public or private agencies, including counseling, guidance, medical and surgical services, retraining or other preparatory service available to employing agencies at no cost, will be utilized to every practical degree to prepare the handicapped employee for his old job or another more suitable job.

I direct all levels of administration and supervision in the Executive Branch to participate in the implementation of this policy and that department heads make an annual review of the manner in which this policy is being observed throughout its jurisdiction.

SAMPLE

SELECTIVE PLACEMENT PROGRAMS FOR THE HANDICAPPED
(For inclusion in State personnel or administrative manuals)

General Provisions

DEFINITION

Selective placement programs are organized action plans and procedures for implementation of law and executive branch policy on employment and utilization of the handicapped. Emphasis in the programs is on selective placement (the careful matching of the abilities of the handicapped persons with the duties of particular positions) and personnel management practices which provide continuing accommodation to handicapped personnel after initial employment.

COVERAGE

The programs are designed to assist the qualified handicapped—the physically impaired, the emotionally restored and the mentally retarded—in obtaining and retaining employment consistent with their level of skills and abilities and their capacity for safe and efficient job performance.

LEGAL BASIS

The legal basis for the Selective Placement Programs is as follows: (Insert your State Law)

RESPONSIBILITY

a. As the central personnel agency for the executive branch, the Civil Service Commission has responsibility for program leadership in promoting selective placement and utilization of the handicapped as prescribed by law and policy. The Commission serves as a catalyst for a statewide effort by coordinating all phases of the program with State Agencies and with public and private organizations concerned with rehabilitation and employment of the handicapped.

b. Agencies. Under their delegated authority for personnel administration, State agency heads are responsible for conducting positive action programs for the selective placement and utilization of the handicapped within their organization.

COMMISSION'S ROLE

GENERAL

a. Commission's role in selective placement. The Commission's role is to promote the selective placement and utilization of the handicapped throughout the State government by:

(1) Creating a favorable climate for employment by providing factual information to agency managers, placement officers and supervisors on the various handicapping conditions, with the aim of removing misapprehensions based on lack of knowledge and prejudice.

(2) Establishing realistic physical and suitability standards as related to actual job duties.

(3) Providing special examining procedures for severely handicapped applicants to assure that their abilities are properly assessed.

(4) Providing special appointing authorities for the most severely handicapped and the mentally retarded.

(5) Establishing and supporting a programmed approach for State agencies to assure that handicapped applicants and employees receive full consideration in all personnel actions.

(6) Developing recruiting sources of qualified handicapped people with potential for State employment through liaison with public and private organizations concerned with rehabilitation and employment of the handicapped.

CENTRAL OFFICE

a. Program activities. The Office of Selective Placement Programs is responsible for program leadership, development and coordination of the statewide effort to promote selective placement and utilization of the handicapped. In exercising this responsibility it has the advice of other Bureaus and Offices. Examples of activities of the Office of Selective Placement Programs are:

(1) Maintaining liaison with State and private agencies and organizations concerned with rehabilitation and employment of the handicapped.

(2) Conducting training conferences in cooperation with public and private agencies, for agency managers and coordinators for selective placement, and other concerned officials.

(3) Conducting an annual awards program for the Outstanding Handicapped State Employee of the Year. The program is designed to give visibility to the outstanding contributions which handicapped individuals make to important programs of the State Government and to stimulate increased employment opportunity for the handicapped.

(4) Preparing course outlines, package training programs, and other visual aids, for use by State agencies to promote selective placement of the handicapped.

(5) Developing procedures to facilitate qualification and appointment of handicapped applicants who are unable to compete successfully in the usual procedures because of their impairments, viz,

> Special testing (readers for the blind, interpreters for the deaf, extra time or examiners, or both, to record answers for the palsied);
> Temporary appointment authority for the mentally restored and the severely handicapped;
> Excepted appointment authority for the severely handicapped and the mentally retarded; and
> Certifications for excepted appointment by State offices of vocational rehabilitation in lieu of civil service examinations.

(6) Furnishing direction, guidance and technical support to agency heads, directors of personnel, and chief coordinators in their selective placement program activities.

(7) Monitoring the maintenance of statistics on State employment of the handicapped.

(8) Evaluating agency activity in support of the Selective Placement Programs.

MEDICAL SUPPORT

The Medical Director and staff lend firm support to the selective placement programs through the following activities:

(1) Establishes realistic medical standards for jobs as related to actual job duties, thus permitting the handicapped to be employed in any position they can perform efficiently and safely.

(2) Passes on physical qualifications of applicants with (or with a history of) medical conditions which cannot be readily evaluated by agencies at the time of preemployment medical examination.

(3) Provides advisory service on the medical aspects of selective placement.

Agency's Role

GENERAL

Top-level support and full cooperation of the entire management team down to and including the firstline supervisor must be present if an agency placement program for the handicapped is to be successful. This includes the agency head, personnel director, coordinator, staffing specialist, safety officer, medical officer, management official and immediate supervisor. The importance of the support of the agency head cannot be overstated. Subordinate managers and supervisors are quick to sense the degree of top management support—whether affirmative, neutral or negative. Negative support encourages discrimination. A neutral position on the part of top management encourages lip-service, which is contrary to executive branch policy calling for positive commitment and affirmative action to promote employment and utilization of the handicapped.

COORDINATOR PROGRAM

a. General. Assuming support by top management and the personnel director, the coordinator for selective placement is the key to success or failure of an agency program. An effective coordinator must be completely sold on the program and be energetic and innovative in selling management officials and supervisors—especially firstline supervisors—on the feasibility of employing and fully utilizing the handicapped. Even in agencies where management's attitude may be somewhat less than enthusiastic an effective coordinator can bring about a change in attitudes. A proven approach is to start by publicizing the achievements of handicapped workers in other agencies, then effect the careful selective placement of a few capable handicapped employees within the agency, and follow by in-house publicity on their successful job performance. Nothing succeeds like success, and good placements—brought to management's attention—are most persuasive.

b. Organizational location and level of coordinators. (1) The program provides for each department and agency to designate a chief coordinator, and for a separate coordinator to be designated for all major organizational components having appointing authority. The level of responsibility of the coordinator for each organizational echelon should be such as to result in full implementation of all facets of the program.

c. Functions of the coordinator. The functions vary for staff coordinators.

(1) Staff coordinators are concerned primarily with program matters rather than contact with management officials, supervisors, individual handicapped applicants, and employees. Typical activities are:

(a) Liaison with central office and regional offices of the United States Training and Employment Service, Department of Labor, and the Rehabilitation Services Administration, Department of Health, Education, and Welfare.

(b) Liaison with State offices and chapters of private organizations concerned with the handicapped and specific disabilities, such as the National Rehabilitation Association, Disabled American Veterans and other veterans organizations, and organizations for the blind, deaf, epileptic, or cerebral palsied.

(2) Operating coordinators are concerned primarily with individual placements and the management climate in which the handicapped employee works. They are usually involved in liaison and program matters only as they relate to staffing activities. Typical activities of operating coordinators are:

(a) Serving as the point of contact for handicapped applicants to assure that they receive full consideration for any vacant position for which qualified. The four steps normally followed in effective placement of the handicapped are:

——Analysis of the exact duties and requirements of the position.
——Evaluation of the person's capacities to perform the job duties and to meet suitability requirements.
——Matching of the capacities of the person with the specific demands of the job with special attention to the degree to which the person has compensated for his limitations and the rehabilitation services he has received.
——Following up to check on the adequacy of the person's placement.

(b) Retaining records on handicapped employees and performing periodic checks to assure that their job situations in terms of understanding supervision, working conditions, and physical accommodations are satisfactory.

(c) Advising and assisting employees who are handicapped or who develop handicaps, especially job-incurred or job-related conditions

and making every effort to preclude either disability retirement or separation for disability when continued employment is feasible and not detrimental to either the employee or the Government.

(d) Receiving and distributing program promotional material, publicizing the program, particularly successful placements within the establishment, on bulletin boards, and house organs, in order to create and maintain an environment favorable to employment of the handicapped.

(e) Maintaining up-to-date knowledge of positions within the establishment which could be filled by the handicapped; assisting supervisors in surveying jobs to make certain that physical and suitability requirements are not unrealistically high and that the supervisors understand the principle of selective placement, that is, the matching of abilities with job requirements.

(f) Maintaining effective liaison with other coordinators in the same geographical area for interchange of information relative to agency needs and specific job opportunities and to facilitate referral of handicapped applicants and employees across agency lines.

(g) Maintaining liaison with public and private organizations concerned with the training, rehabilitation, and employment of the handicapped in order to assist handicapped applicants and employees in need of such services.

(h) Encouraging management to adopt or to reaffirm policies which will facilitate the employment of handicapped applicants and the retention of employees who develop handicaps, including:

——Promoting the training of managers and supervisors to recognize and deal with employees who develop emotional impairments which adversely affect job performance and to convince the employees to seek treatment.

——Encouraging the liberal granting of leave without pay, as well as sick and annual leave, for treatment or hospitalization.

——Protecting employees' job security while they are undergoing medical or psychological treatment. When separation or disability retirement becomes necessary, making every effort to reemploy them after recovery.

(i) Monitoring the reporting of handicapped accessions to assure that the agency is receiving full credit for its placements.

Employment of the Physically Handicapped

DEFINITION

a. General. (1) Coverage under the program is limited to persons with material physical impairments which would ordinarily prove a serious hindrance to securing employment. The impairments must be (a) material rather than slight; (b) relatively static as distinguished from definitely active or rapidly progressive; (c) relatively permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

b. Considerations. Of equal importance with medical consideration are the individual differences of employability for each handicapped person. In other words, the degree to which the handicap affects placement of a particular person to a specific job and environment. The type of appointment depends on each given circumstance. Persons with disabilities classified medically as severely handicapped may not be able to demonstrate their job qualifications by regular procedures, therefore the only way an opportunity can be given them to show their talents is by appointment under excepted service procedures. For both the severely and moderately handicapped, the range of individual differences associated with each individual will determine the extent of selective placement techniques needed to effect a placement.

APPOINTMENT

a. General. Appointment procedures available for employment of the physically handicapped are:

(1) For the moderately and the severely handicapped, the normal competitive process implemented by special examining procedures as required and referral and placement service through the coordinator program for employment of the handicapped.

(2) For the severely handicapped only, temporary trial appointment and the excepted appointment authority.

b. Using competitive appointment procedure. Most physically handicapped find employment through the normal competitive procedures. Where required the following assistance is available:

(1) Advisory service on job qualifications, appropriate examinations, and sources for obtaining additional training where needed.

(2) Arranging special examinations for applicants whose impairments prevent them from competing equitably (e.g., providing readers for the blind,

interpreters for the deaf or waiving certain verbal tests for the deaf, enlarged answer blocks and allowing additional time for the cerebral palsied and others with poor coordination of hand and finger).

(3) Placement assistance within the agency; referral procedures to subordinate personnel offices or to supervisors.

(4) Work site or job modification where needed, e.g., providing ramp entrance to building and enlarged toilet stalls to accommodate wheelchairs, parking close to building. lowering of desk, raising chair or work bench, modifying file drawer arrangements, rearranging office furniture for safer entry and exit.

c. **Using trial appointment procedure**. Many severely handicapped people need a trial appointment because they are unable to obtain competitive appointment even with examination modification or referral service. One barrier to their employment may be inability to be selected competitively even though they have been trained and are qualified to perform the job tasks. Another barrier may be employer reluctance to hire them for fear they will not be able to perform on the job efficiently or safely, or fit in with and be accepted by the work force. These obstacles can often be overcome by use of the temporary trial appointment. Eligibility is determined noncompetitively and is based on a minimum qualification standards. The agency makes no commitment for permanent employment; however, the temporary appointment is usually long enough (approximately four and a half months) for the severely handicapped person to establish his job readiness.

d. **Using excepted appointment procedure**. If the agency wishes to convert the severely handicapped person's temporary appointment to a continuing one there is a special excepted appointment procedure.

(1) Criteria for appointment. In order to qualify for excepted appointment the handicapped person must:

(a) Have a severe impairment, or combination of impairments, e.g., blind, deaf, cerebral palsy, paraplegia, epilepsy, or quadriplegia.
(b) Be unable to obtain permanent employment under competitive rules.
(c) Have successfully demonstrated ability to do a job under temporary appointment other than a 30-day special needs appointment, at any time within the 12 months immediately preceding nomination.
(d) Meet minimum qualification standards for the position.
(e) Be nominated by his agency.

READING ASSISTANTS FOR BLIND EMPLOYEES

a. Legal basis. Under section _____ , an agency head may employ a reading assistant for a blind employee, without regard to civil service and classification laws. Thus, this employment is excepted from the normal selection and appointment procedures.

b. Selection and appointment. (1) A reading assistant may serve as a volunteer, or may be paid by a nonprofit organization, or by the blind employee from his own funds or from funds furnished him by the State vocational rehabilitation offices for this purpose.

(2) A person appointed as a reading assistant for a blind employee may perform no other official duties.

Employment of the Mentally Restored

DEFINITION

A mentally restored person is one who has experienced some mental or emotional difficulty, has received professional treatment either in or outside of an institution and has been judged by competent medical authority as ready for return to his normal activities including employment.

GENERAL

a. Factors relating to eligibility. As a general rule, a history of mental illness is not disqualifying for employment provided that recovery has been certified by competent medical authority and the applicants are capable of performing the duties of the position without hazard to themselves or others. In determining medical eligibility, recognition is given to the following factors:

(1) It is reliably estimated that one person in ten will suffer mental illness of some degree during his lifetime.

(2) Of those persons whose mental illness is severe enough to require hospitalization, 70 percent will be restored to health. Thus mental illness, like physical illness, is something which can be treated and often cured.

(3) Persons restored to mental health often possess skills, knowledge, and experience which are needed.

APPOINTMENT

a. **Competitive**. The vast majority of mentally restored applicants are able to compete successfully in examinations and to establish eligibility in keeping with their backgrounds. Medical clearance is part of the examination process. Applications which indicate a history of mental illness are referred to a medical officer who obtains (with applicant's authorization) medical reports from the psychiatrist or the institution which treated the applicant, or both, and determines, on the basis of the complete record, medical eligibility prior to entry on the register.

b. **Temporary**. Although most mentally restored applicants can qualify successfully in the examining phase, it is unfortunate that they are often not selected because of a lack of understanding, fear, or prejudice on the part of employers. To help overcome this barrier, special procedure for their trial employment has been established using the temporary appointment authority. This provides the mentally restored person with an opportunity to demonstrate his job readiness and limits the commitment of the employer. Once the employer is convinced that the restored person can do the job, he can either hire him competitively if he is within reach on the register, or can reinstate him if he is eligible.

Employment of the Mentally Retarded

DEFINITION

Mental retardation is a chronic and lifelong condition. In most cases it is an improvable handicap, involving a limited, but nonetheless existing ability to learn, to be educated, and to be trained for useful productive employment. The condition may be alleviated through special education, rehabilitation, and proper care. It is *not* a disease, nor a total absence of skill or aptitude, nor a sure case for institutionalization. It is a mental impairment which may range from mild to profound. The majority of those afflicted are capable of useful employment.

GENERAL POLICY

On September 12, 1963, the President said, "The Federal Government can demonstrate its leadership as an employer by identifying within the context of its employment program for handicapped persons, those positions in which the mentally retarded can show their capability." This policy has been continued by subsequent Administrations and by at least a dozen States.

PROGRAM PROCEDURES

a. Written agreement. Prerequisite to the use of authority for special hiring of the retarded is the execution of a written agreement. The agreement will include the following:

(1) A statement by the agency of its support of the program and a statement of the specific positions, titles, grades, and tasks to be assigned the mentally retarded to be employed; or, a statement that the arrangements will be worked out in conjunction with the appropriate State vocational rehabilitation agency.

(2) A statement by the agency that prior to employing a mentally retarded person it will have obtained a certificate from the appropriate State vocational rehabilitation agency that the retarded person (a) has the ability to perform the duties of the position, (b) is physically qualified to do the work without hazard to himself or to others, and (c) is socially competent to maintain himself in a work environment and either independently or with such continuing help as has been provided for him other than by the employing agency, in after-working-hours living.

(3) A commitment by the employing agency that it will utilize fully the advice and assistance of the State vocational rehabilitation agency for advice to the employee's immediate supervisor in the training and supervision of the employee, and for postplacement counseling to the employee. (NOTE: These services are a normal part of the followup process of State vocational rehabilitation agencies. Agency coordinators for employment of the handicapped will work closely with the State vocational rehabilitation agency representative in this follow-up-program.)

(4) A statement that the agency will not terminate a mentally retarded person's employment without prior notification of the counselor concerned. Generally, appointments will be made without time limitation, but this does not rule out the possibility that temporary assignments will be worked out with an employee's counselor.

b. Limiting conditions. In planning for the employment of the mentally retarded, agencies should keep these conditions in mind:

(1) Employment will be limited to persons with sufficient mental ability, emotional stability, and training to perform in a satisfactory manner the full duties of the position to which they are appointed.

(2) Conditions of work may be reengineered to facilitate utilization of mentally retarded persons, but no person will be employed at a salary lower than the bottom rate of the applicable wage grade schedule.

(3) All promotions or other change actions under this authority require recertification by the appropriate State office of vocational rehabilitation.

Reassignment in Lieu of Disability Retirement

GENERAL

Policy on employment of the handicapped emphasizes the desirability of continued utilization, through reassignment, of employees who because of illness or injury are unable to continue in their positions.

AGENCY RESPONSIBILITY FOR EMPLOYEE UTILIZATION

a. General. Each agency is responsible for initiating action to secure the disability retirement of the eligible employee who is truly unfit for useful and efficient service because of physical or mental disability. There is, however, a further responsibility to retain the skills and services of the employee who, though unfit for service in his present position, is medically and otherwise qualified to perform service in another available position.

b. Disability retirement as last consideration. Apparent eligibility for disability retirement should not automatically trigger the processing of a retirement application. Instead, where feasible, efforts at reassignment should begin when the necessity for it becomes evident rather than permitting continuation of a situation which is going to degenerate. Superior officers should be alert for indications that the employee is experiencing increasing difficulty in the performance of his duties. If the difficulty is the result of a physical or mental impairment, the superior officer should attempt to effect reassignment to a position within his jurisdiction. If no positions exist for which the employee is qualified, the case should be referred to the coordinator for the employment of the handicaped having jurisdiction over the place of employment, or, if a coordinator is not available, to the personnel office for consideration of:

(1) Reassignment. Knowledge of the employee's education and work experience may indicate that he can still perform efficiently in other work. Under certain circumstances an exception may be made to normal qualification standards to facilitate reassignment. Reassignment need not necessarily be limited to positions of the grade or class. The possibility that the employee would be willing to accept reassignment to a lower grade position with less strenuous physical or mental demands is not to be overlooked.

(2) Retraining. Agencies also should give serious consideration to the possibility of retraining disabled employees for positions for which they have the basic qualifications and capabilities. Although an initial expense is involved in retraining, the result will justify the expenditure if the employee and the position are matched carefully beforehand.

c. Use of State services. In exploring the feasibility of reassignment, with or without retraining, the coordinator or the personnel officer should utilize the expertise of the State office of vocational rehabilitation. A State rehabilitation counselor can be useful to the employee and the agency in selective placement efforts because of his knowledge of disabilities and job requirements and can make recommendations concerning vocational rehabilitation services.

d. Effect on retirement eligibility. Once an employee accepts reassignment to a position for which he is medically qualified, he voids his eligibility for disability retirement based on his inability to perform the duties of his previous position. To encourage the employee to accept reassignment on a trial basis and yet retain his eligibility, agencies can exercise the option of placing the employee on a detail assignment of up to six months. (This step may be particularly advisable when reassignment is to a position for which regular qualification standards are waived.) If performance in the new position is mutually acceptable to agency and employee, consideration then can be given to making the reassignment permanent.

e. Placement in other agencies. Efforts at reassignment of disabled employees should not end when there are no available positions within the coordinator's jurisdiction. Coordinators are responsible for maintaining effective liaison with the coordinators of other establishments accessible to them in the same geographical area for the interchange of information relative to agency needs and specific job opportunities. This avenue should be explored if no positions for which the employee qualifies exist in the employing agency.

AGENCY RESPONSIBILITY TO THE EMPLOYEE

a. Discussion with employee. Contact with disabled employees is necessary to appraise properly their qualifications and to work out reassignment. Where the issue of disability retirement versus reassignment is involved, the employee should be given a balanced presentation of the advantages and disadvantages of each course of action, as follows:

(1) In considering disability retirement, the employee should have a firm estimate of his annuity benefits. It is important that he should know that eligibility for disability retirement is contingent upon inability to

perform useful and efficient service in the grade or class of position occupied and that if he accepts reassignment to a position for which he is not disabled, and later finds that the job is not to his liking, or that he cannot perform in it adequately for reasons unrelated to his physical condition, he cannot retire from it on account of disability.

COERCION NOT TO ENTER REASSIGNMENT EFFORTS

Nothing in this subchapter is to be construed as justification of an attempt to coerce an employee to accept reassignment or retraining against his will. To the extent that positions are available, however, employing agencies are expected to assure that those employees who are qualified for further service in another grade or class of position have the opportunity to serve.

Recognition—Awards Program for Outstanding Handicapped State Employee of the Year

GENERAL

There should be an annual awards program for Outstanding Handicapped State Employee of the Year.

PURPOSE

The purpose of the awards program is to recognize individual achievements and, by publicizing them, to increase awareness of the contributions being made by the handicapped.

CRITERIA

a. In order to be considered it must be clearly established that the nominees meet the following criteria:

(1) Job performance clearly exceeding requirements in spite of severely limiting physical factors.

(2) Courage and initiative in overcoming handicaps that served as an inspiration.

NOMINATION

a. **General.** An agency may nominate one employee each year. To spread the impact of the program, the same person normally should not be nominated two years in succession.

b. **Documentation.** The following information is to be included in agency nominations:

(1) A narrative of justification covering job performance and examples of courage and initiative demonstrated which served as an inspiration to others.

(2) Identification details (preferably in the following format to assist the screening committee in reviewing nominations):

(a) Date of birth;
(b) Classification, title, and grade;
(c) Organizational title, if any;
(d) Organizational unit, division or section, employing activity, and department or agency;
(e) City and State where employed;
(f) Total years of service;
(g) Length of service with current employing activity and in present position;
(h) Work experience other than State employment;
(i) Educational background;
(j) Description of handicap, if not fully covered in narrative;
(k) Agency recognition (awards, etc.), if not fully covered in narrative;
(l) Community service, if not fully covered in narrative;
(m) Community recognition (professional associations, community organizations, etc.), if not fully covered in narrative;
(n) Other biographical data, e.g., family, hobbies, military service, place of birth, travel, or locations of residence.

(3) An 8" x 10" glossy print of the nominee at work.

(4) A signed release authorizing use of the picture for program promotion.

SELECTION

a. **Screening**. A committee will select, from all agency nominees, 10 finalists from whom the Outstanding Handicapped State Employee of the Year will be chosen.

b. Final selection. A blue-ribbon committee made up of key officials will make the selection from among the 10 finalists.

ROLE OF THE COORDINATOR

It is up to each agency to determine the appropriate official to monitor procedures for selecting and nominating its candidate for the Outstanding Handicapped State Employee of the Year. Most have relied on the coordinator for selective placement because of his knowledge and experience with the handicapped. To give visibility to the coordinator function and to recognize the primary role of the coordinator in all agency activities, it is strongly recommended that the chief coordinator be the agency representative, or among the agency representatives designated to attend all award ceremony functions honoring the winner.

DELAWARE

EXECUTIVE ORDER
NUMBER FOUR

TO: Heads of State Departments and Agencies

SUBJECT: **Policy for Employment of the Physically Handicapped**

WHEREAS, utilization of physically handicapped persons in productive employment is sound and necessary, both for the contribution handicapped citizens can make to the Delaware economy and for the sense of independence and well-being that such employment provides the handicapped person; and

WHEREAS, it is fitting that Government should lead the way in selective placement of physically handicapped persons so as to utilize their skills and abilities, and help make these less fortunate persons productive members of our society:

NOW, THEREFORE, I reaffirm that the employment policy of the Executive Branch of the Government of the State of Delaware shall be as follows:

1. Physical standards will be fair, reasonable, and adapted to the realistic requirements of jobs.

2. An opportunity will be provided for a fair appraisal of pertinent qualifications of physically handicapped applicants and employees.

3. Physical abilities of handicapped persons being considered for appointment or reassignment will be appraised in relation to the essential physical requirements of jobs.

4. Employees who acquire disabilities as the result of work injuries, off-the-job accidents or disease conditions, will be given full opportunity in reemployment or in transferring to other more suitable jobs.

5. Recourse to unduly prolonged or permanent benefits under the Employees' Pension Act shall be avoided whenever possible. Disability retirement shall be considered only after every feasible effort at reassignment has been made.

I urge that all levels of administration and supervision in the Executive branch take part in the implementation of this policy. Agencies should take such

action as is necessary to bring about an understanding and application of the policy by all appointment officials and others who have responsibility in hiring or reassignment of employees. In addition, agency management should make a periodic review of the manner in which this policy is being carried out.

APPROVED this twenty-ninth day of
November, 1961.

(GREAT SEAL)

/s/ Elbert N. Carvel
By the Governor

ATTEST:

/s/ Elisha C. Dukes
Secretary of State

KENTUCKY

MEMORANDUM –#2-70

TO: All Agency Heads and All Personnel Officers

FROM: Ralph E. Howe, Commissioner

DATE: April 8, 1970

SUBJECT: **Policy on Employment of the Handicapped**

The Department of Personnel recently established a policy with the Bureau of Rehabilitation Services for employment of the handicapped. The policy will allow you as appointing authorities to give consideration to handicapped applicants who may have been penalized in the past by the usual examination and certification process.

The Department of Personnel would like to encourage the appointment of handicapped persons into suitable State employment. Agencies should also take the initiative to refer handicapped persons to the Bureau of Rehabilitation for needed services. We can't assume that the handicapped know of all the services that are available.

Attached are copies of stated policy and agreement for your information.

Attachments (3)

HANDICAPPED APPLICANT POLICY

PURPOSE: To provide a policy whereby a handicapped individual, as certified by the Bureau of Rehabilitation Services, may be allowed placement on competitive registers without written and/or performance examination and allow selective certification upon request by an employing agency. Minimum qualifications will apply.

HANDICAPPED DEFINITION: An applicant will be considered to be handicapped in regard to this policy if he meets standards as established by the Bureau of Rehabilitation Services for eligibility for training in their programs and the handicap can be seen to be directly and materially related to the type of position for which application is made.

ELIGIBILITY: Certification by the Asst. Supt. Bureau of Rehabilitation Services must accompany the usual application for employment which indicates the applicant:

(a) Has the ability to perform the duties of the position;
(b) Is physically qualified to do the work without hazard to himself or to others;
(c) Is socially competent to maintain himself in a work environment and, either independently or with such continuing help as has been provided for him, in after-working-hours living; and
(d) Has been trained or is eligible for training in Vocational Rehabilitation programs related to the work.

EXAMINATION: Written and/or performance examinations may be waived for applicants qualifying under this policy and ratings may be based on a rating of training and experience only.

CERTIFICATION: Upon request from an employing agency selective certification may be made and in effect provide a handicapped "register". A handicapped employee may also be certified through the usual procedures.

In the event controversy arises on the provisions of this policy, the Commissioner of Personnel will issue an interpretation subject to review and incorporation by the Personnel Board into this policy.

MEMORANDUM OF AGREEMENT

TO: Ralph E. Howe, Commissioner
Department of Personnel

FROM: Ben F. Coffman, Assistant Superintendent
for Rehabilitation Services
Department of Education

DATE: February 2, 1970

SUBJECT: **Certification to the Register of Handicapped Applicants by the Bureau of Rehabilitation Services**

The Bureau of Rehabilitation Services commends and accepts in total the attached Handicapped Applicant Policy of the Division of Recruitment and Examinations, Department of Personnel. The policy fulfills the purpose of the Vocational Rehabilitation Program in most instances.

Criteria for eligibility for Vocational Rehabilitation are as follows:

1. Be of employable age
2. Have the presence of a physical or mental disability and resulting functional limitations in activity
3. A reasonable expectation that Vocational Rehabilitation Services may render the person fit to engage in a remunerative occupation

The Rehabilitation Process usually proceeds in the following ways:

1. Medical Examination
2. Vocational Diagnosis
3. Medical services as needed
4. Artificial appliances as needed
5. Training as needed
6. Transportation and maintenance for training
7. Tools and equipment
8. Selective placement
9. Follow-up for closure as rehabilitated

This agency agrees to provide any or all of the usual services to those persons referred by the Department of Personnel, and upon completion of the

necessary services required, certify by the Director of Rehabilitation Services, said persons to be eligible for placement on the Handicapped Employment Register of the Department of Personnel, setting out the persons limitations and abilities suitable for employment.

This agency will also refer from its caseload those handicapped persons who appear to be eligible for positions in the area in which the State of Kentucky appears to have need.

The Department of Personnel agrees to waive the written and performance examinations on a selective basis for handicapped applicants qualifying under this policy and certified by the Vocational Rehabilitation Program.

3/15/70

Ben F. Coffman, Assistant Superintendent for Rehabilitation Services
Department of Education — Date

3/6/70

Ralph E. Howe, Commissioner
Department of Personnel — Date

MASSACHUSETTS

AN ACT CLARIFYING THE APPOINTMENT OF MENTALLY RETARDED PERSONS TO POSITIONS IN THE CLASSIFIED CIVIL SERVICE.

Section 10 of chapter 31 of the General Laws is hereby amended by adding the following five paragraphs:

Whenever an appointing authority makes requisition to fill a temporary position in the classified civil service and attaches thereto a request that approval be given for the employment of a mentally retarded person in the position, the director may, notwithstanding the provisions of this chapter or any other law, approve such employment, provided that the appointing authority certifies that in his opinion the duties of the position may be performed by a mentally retarded person. The appointing authority shall forward the name of such mentally retarded person to the director together with a certificate from the Massachusetts rehabilitation commission that said person is mentally retarded and a statement of approval of such employment of said mentally retarded person from the Massachusetts rehabilitation commission. The director may also require the appointing authority to submit a written agreement including the following: (1) a statement by the appointing authority as to the specific position, title, grade and duties to be assigned to the mentally retarded person who is to be employed and the title of the immediate supervisor, (2) a statement by the appointing authority that prior to employing the mentally retarded person it has obtained a certificate from the Massachusetts rehabilitation commission that the retarded person (a) can satisfactorily perform the duties of the position, (b) is qualified to do the work without hazard to himself or to others, and (c) is socially competent to maintain himself in a work environment, (3) a commitment by the appointing authority that it will fully utilize the services of the Massachusetts rehabilitation commission for assistance to the employee's immediate supervisor in the training and supervision of the employee and for post-placement counseling to the employee, (4) a statement that the appointing authority will not terminate a mentally retarded person's employment without prior notification to the Massachusetts rehabilitation commission. Thereupon, the director of civil service shall approve such appointment. The director may require any such mentally retarded person to undergo such tests as in his opinion will test the fitness of the applicant to properly perform the duties of the position.

Upon the approval by the director of such employment in accordance with the provisions of this section, the retarded person shall be regarded as properly appointed to the position and shall continue subject to the provisions of this chapter.

The position of any such mentally retarded person who has been employed in a year-round temporary position in the commonwealth for a continuous period of three years or more for which compensation has been duly paid or authorized under the same or a like item in prior appropriation acts shall be deemed to be a permanent position. The director of personnel shall, by title and code number and subject to approval of the executive office for administration and finance, certify to the budget director, the comptroller, the director of civil service, each appointing authority concerned, and the house and senate committees on ways and means, each such position to be included.

Any appointments to positions for which the federal standards for a merit system of personnel administration apply shall not be approved unless the appointee meets such established standards.

For the purpose of this section, "mental retardation" shall be defined as follows:

Mental retardation is, as determined by clinical evaluation, manifested by subaverage general intellectual functioning which originated during the developmental period and is, or was, associated with impairment in adaptive behavior in one or more of the following: (1) maturation, (2) learning, and (3) social adjustment.

OKLAHOMA

TO: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: **POLICY FOR EMPLOYMENT OF THE HANDICAPPED AND AGED**

It is the policy of my Administration the so-called handicapped workers shall be given equal employment opportunities for State Government jobs.

The State Merit System for Personnel Administration (74 O.S., Supp. 1959, Section 801-819 inclusive) provides there shall be no discrimination for employment in the classified service because of any physical handicap so long as the handicap *does not* prevent or render the employee less able to do the work for which he is employed--

The Governor's Committee on Employment of the Handicapped and the State Merit System Board have endorsed the following points in its effort to accomplish the full utilization of the skill and abilities of all our citizens. It is requested that each department and agency observe these points in carrying out the Administration's policy in regard to employment within State Government:

1. Physical standards will be fair, reasonable, and adapted to the realistic requirements of jobs. Such standards will be based on complete, factual information regarding working conditions, hazards, and essential physical requirements of each job. Physical standards will not be used to arbitrarily eliminate the handicapped person from consideration.

Age shall not be used to eliminate the employment of persons over 40. This group of people have the skill, ability, knowledge, and in most cases, are our most productive group of workers. It would be a waste of manpower if we did not use the talent of these workers.

2. An opportunity will be provided for a fair appraisal or pertinent qualification of handicapped applicants and employees. Where pre-employment tests are used, opportunity will be provided applicants with certain physical impairments to demonstrate pertinent knowledge, skill, and abilities by testing methods adapted to their special circumstances. This will include the blind, deaf, and all others who may have difficulty in taking the usual examination.

3. Physical abilities of handicapped persons being considered for examination, appointment, or re-assignment, will be appraised in relation to the essential physical requirements of jobs. Particular attention will be given to the degree to which handicapped applicants or employees have compen-

sated for their impairments by the development of special skills or methods, by the sharpening of unimpaired senses, or by the use of prosthetic devices.

4. Employees who acquire disabilities as the result of work injuries on or off the job, or disease conditions will be given full opportunity in re-employment or in transferring to other more suitable jobs. If necessary, Vocational Rehabilitation Services of public or private agencies, including counseling, guidance, medical and surgical services, retraining or other preparatory service available to employing agencies at no cost, will be utilized to every practical degree to prepare the handicapped employee for his old job or another more suitable job.

It is requested that all levels of the Administration and supervision will participate in carrying out this policy, and Department heads will name a person within his or her jurisdiction to review, from time to time, the manner in which this policy is being observed. The name and address of this person shall be sent to Dr. Waldo Stephens, Chairman, Governor's Committee on Employment of the Handicapped, 439 American National Building, Oklahoma City.

J. HOWARD EDMONDSON
GOVERNOR

June 3, 1960

OKLAHOMA STATE LEGISLATURE

31st Regular Session

SENATE JOINT RESOLUTION NO. 14 BY: HORN of the Senate

FOWLER of the House

AS INTRODUCED

A JOINT RESOLUTION PROVIDING FOR THE "WORK EXPERIENCE FOR THE HANDICAPPED COMMITTEE"; PROVIDING FOR APPOINTMENT OF MEMBERS THEREOF; PROVIDING FOR ORGANIZATION OF SUCH COMMITTEE; GRANTING AUTHORITY TO ESTABLISH RULES AND PROCEDURES; REQUIRING REPORTS; AND REQUIRING ALL STATE AGENCIES TO COOPERATE WITH SAID COMMITTEE.

WHEREAS, many Oklahomans become severely disabled annually as a result of disease, work injuries, accidents, tragedies of the highways, and in defense of their nation; and

WHEREAS, after many months of physical and mental rehabilitation procedures, many of these severely disabled Oklahomans are unable to return to their former occupations and to adequately provide for their families of their own sustenance, due to their disabilities; and

WHEREAS, many of these disabled Oklahomans are determined to hold their self-respect and their proper place in the community and not become wards of the State; and

WHEREAS, many of these disabled Oklahomans enter Vocational Rehabilitation training programs, administered by the State Vocational Rehabilitation Division, or by the Veterans Administration, or by private organizations, or by own expense, in order to be productive and retain their proper place in our society; and

WHEREAS, many employers in the State of Oklahoma hire handicapped persons who are trained and qualified to contribute to the goals of the employer; and

WHEREAS, many private industry employers, with a goal of profits, and many government employers, with missions to accomplish, are reluctant to hire severely handicapped persons who have not had a chance to prove their abilities by establishing on-the-job work experience; and

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE THIRTY-FIRST SESSION OF THE OKLAHOMA LEGISLATURE:

SECTION 1. That all State agencies shall cooperate with "The Work Experience for the Handicapped Committee," hereafter described, and provide temporary appointments and maximum work experience to qualified handicapped Oklahomans, as determined by the Committee, for a period not to exceed six months. Such appointees shall be eligible to apply for the position in which they are working on a competitive basis. All participating agencies will furnish work experience records to any interested employer upon request and will cooperate with the Work Experience for the Handicapped Committee in assisting the handicapped appointee to obtain suitable career employment opportunities.

SECTION 2. The Work Experience for the Handicapped Committee shall serve without compensation or reimbursement and shall consist of the Director of the State Personnel Board, or his designee, who shall serve as Secretary of the Committee; the Director of the Oklahoma State Employment Service, or his designee; the Director of the State Welfare Department, or his designee; the Director of the State Vocational Rehabilitation Division, or his designee; and the Chairman of the Governor's Committee on Employment of the Handicapped or his designee. This group of persons shall elect a chairman and a vice chairman from their membership and shall hold annual elections in order to rotate the chairmanship position.

SECTION 3. The Work Experience for the Handicapped Committee shall organize themselves and establish rules, procedures, and applicant eligibility within thirty days of passage of this joint resolution and shall notify the President pro tem of the Senate and the Speaker of the House of Representatives of this organization. Said committee shall meet periodically at the pleasure of the Chairman and accept individual handicapped applications to determine eligibility, as intended by the Legislature, and to establish a list of qualified handicapped applicants for various jobs within State agencies and who are in need of work experience. The secretary shall notify the Director of the State Personnel Board and shall reveal the identity, and other pertinent information, of those found eligible by the Committee. The secretary shall notify other State agency directors of eligible applicants and reveal pertinent information as requested.

SECTION 4. All State agencies shall select from the list of eligible, qualified, handicapped applicants, when feasible, in order to fill personnel vacancies.

SECTION 5. The Chairman of Work Experience for the Handicapped Committee shall annually report to the President pro tem of the Senate and the Speaker of the House of Representatives as to all actions taken by his committee and agency directors in achieving the intent of this Legislation.

WEST VIRGINIA CIVIL SERVICE SYSTEM
HANDICAPPED APPLICANT POLICY

PURPOSE: To provide a policy whereby a handicapped individual, as certified by the Division of Vocational Rehabilitation, may be allowed placement on competitive registers without written and/or performance examination and allow selective certification upon request by an employing agency. Minimum qualifications will apply.

HANDICAPPED DEFINITION: An applicant will be considered to be handicapped in regard to this policy if he meets standards as established by the Division of Vocational Rehabilitation for eligibility for training in their programs and the handicap can be seen to be directly and materially related to the type of position for which application is made.

ELIGIBILITY: Certification by the Director, Division of Vocational Rehabilitation must accompany the usual application for employment which indicates the applicant:

(a) has the ability to perform the duties of the position;
(b) is physically qualified to do the work without hazard to himself or to others;
(c) is socially competent to maintain himself in a work environment and, either independently or with such continuing help as has been provided for him, in after-working-hours living; and
(d) has been trained or is eligible for training in Vocational Rehabilitation programs related to the work.

EXAMINATION: Written and/or performance examinations will be waived for applicants qualifying under this policy and ratings will be based on a rating of training and experience only.

CERTIFICATION: Upon request from an employing agency selective certification may be made and in effect provide a handicapped "register." A handicapped employee may also be certified through the usual procedures.

In the event controversy arises on the provisions of this policy, the Director of Personnel will issue an interpretation subject to review and incorporation by the Civil Service Commission into this policy.

Effective 7-1-69

WEST VIRGINIA CIVIL SERVICE SYSTEM

Certificate of Eligibility
for
Handicapped Employment

Name of Referral _____ Date _____

This is to certify that the above-named applicant who is applying for the position of _____ :

(a) has the ability to perform the duties of this position;

(b) is physically qualified to do the work without hazard to himself or to others;

(c) is socially competent to maintain himself in a work environment and, either independently or with such continuing help as has been provided for him, in after-working-hours living; and

(d) has been trained or is eligible for training under authority of the Division of Vocational Rehabilitation and the handicap is directly and materially related to the position for which application is made.

_____
(Signature)

_____
(Title)

_____
(Agency)

SENATE BILL

29th Legislature **STATE OF NEW MEXICO** 1st Session, 1969

AN ACT

RELATING TO STATE EMPLOYMENT; ESTABLISHING STATE POLICY IN REGARD TO EMPLOYMENT OF THE HANDICAPPED IN THE STATE SERVICE; REQUIRING THE PERSONNEL BOARD TO ADOPT CERTAIN RULES; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.–This act may be cited as the "Handicapped Employment Act."

Section 2. DEFINITIONS.–As used in the Handicapped Employment Act, "handicapped" includes physical and mental handicaps.

Section 3. STATE POLICY.–In order to further the efforts of New Mexico in alleviating the problems of the handicapped, full consideration shall be given to the employment of such persons in state government in positions where they meet the necessary performance requirements or in positions where performance requirements can be modified to take advantage of their abilities without detriment to the state service.

Section 4. PERSONNEL BOARD–RULES.–The state personnel board shall establish rules and procedures consistent with the state policy of employment of the handicapped. Such rules and procedures shall be adopted after consultation with appropriate vocational rehabilitation agencies, state institutions, interested private associations and organizations, and interested individuals. Any rules or procedures adopted by the personnel board shall provide that:

A. certification in an appropriate form shall be required from an appropriate agency to the effect that:

(1) the handicapped person has the ability to perform the duties of the position sought;

(2) the handicapped person is physically qualified to do the work without hazard to himself or to others; and

(3) the handicapped person is socially competent to maintain himself in a work environment and, either independently or with continuing help as has been provided for him, in after-working-hours living; and

B. there be suitable periods of probation or trial employment for such handicapped persons before such employment becomes permanent under the provisions of the Personnel Act; and

C. the above processes of establishing the eligibility of such handicapped persons is construed to meet the requirements of competitive entrance examinations under the provisions of the State Personnel Act.

Section 5. EMERGENCY.–It is necessary for the preservation of the public peace, health and safety that this act take effect immediately.

PASSED

Senate 32 – 0
House 40 – 0
Signed March 31, 1969

HOUSE BILL

29th Legislature **STATE OF NEW MEXICO** 1st Session, 1969

AN ACT

RELATING TO SPECIAL EDUCATION; PROVIDING FOR SPECIAL EDUCATION FOR HANDICAPPED CHILDREN; AMENDING SECTION 77-11-3.1 NMSA 1953 (BEING LAWS 1967, CHAPTER 290, SECTION 1); REPEALING SECTION 77-11-3 NMSA 1953 (BEING LAWS 1967, CHAPTER 16, SECTION 182); AND ENACTING A NEW SECTION 77-11-3 NMSA 1953.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-11-3 NMSA 1953 (being Laws 1967, Chapter 16, Section 182) is repealed and a new Section 77-11-3 NMSA 1953 is enacted to read:

"**77-11-3. [NEW MATERIAL] SPECIAL EDUCATION–EDUCATIONALLY HANDICAPPED CHILDREN–ADDITIONAL INSTRUCTORS-DEFINITIONS.–**

A. Upon approval of the state board of education any school district may receive distribution from the equalization fund by conforming to the requirements of this section. The amount of basic distribution that a school district may receive as a contribution for this purpose shall be determined as provided in Sections 77-6-18, 77-6-19 and 77-6-29 NMSA 1953.

B. With prior approval of the state superintendent, special educational facilities or training may be made available within a school district for handicapped children as defined in Subsection D. A school district may, with the approval of the state superintendent, make an agreement with another school district to educate or train handicapped children residing in the school district. The agreement may provide for the payment for any special educational facilities or training provided for handicapped children. Handicapped children shall be regarded as eligible for special educational facilities or training pursuant to this section only as long as benefit to them from such facilities or training can be determined to exist. The state board, at its discretion, may authorize a survey to be made of all handicapped children residing in the state and allocate necessary funds for such a survey.

C. In addition to all other budgetary requirements established by law fixing the number of certified school instructors for budgetary purposes, a school district may be allowed additional full-time certified school instructors on the following basis:

(1) not including the speech-handicapped child, a school district may be allowed an additional full-time certified school instructor for each five to fifteen handicapped children in the school district attending special education facilities or taking training in the school district. A school district may be allowed an additional part-time instructor where less than five handicapped children are attending special educational facilities or taking training in the school district;

(2) a school district may be allowed an additional full-time certified speech pathologist for each eighty speech-handicapped children residing in the school district. A school district may be allowed an additional part-time certified speech pathologist where less than eighty speech-handicapped children reside in the school district; and

(3) not including the speech-handicapped child, a school district may be allowed an additional full-time certified school consultant for each two hundred handicapped children for each type of handicapped condition. A school district may be allowed an additional part-time certified school consultant where less than two hundred handicapped children reside in the school district.

D. As used in this section:

(1) "handicapped children" includes all persons of school age to twenty-one years of age inclusive who require special education in order to obtain the education of which they are capable because they are educably mentally handicapped, trainable mentally handicapped, blind, partially sighted, deaf, hard of hearing, speech defective, crippled or neurological and other health impaired or are emotionally maladjusted to the extent that they cannot make satisfactory progress in the regular school program;

(2) "special education" includes special instruction for handicapped children in, or in addition to, regular classes, special classes, special services, home instruction and hospital instruction; and

(3) "special services" includes transportation, tutorial service, teacher-aides, special equipment, psychometric testing and other materials and services approved by the state superintendent.

E. A handicapped child shall be certified as eligible to receive special education in accordance with diagnostic standards appropriate to the type of handicap set by the state board of education. Certification shall require a determination made upon the advice of qualified educational, psychological

and medical examiners approved by the state superintendent that the child is capable of benefiting from special education."

Section 2. Section 77-33-3.1 NMSA 1953 (being Laws 1967, Chapter 290, Section 1) is amended to read:

"77-11-3.1. SPECIAL EDUCATION–NONPROFIT TRAINING CENTERS.–

A. A local school board may, with approval of the superintendent of public instruction, make agreements with nonprofit training centers for educating or training [~~mentally or physically~~] handicapped students within their school district and provide for payment for such education or training. The superintendent of public instruction shall not approve any agreement pursuant to this section where the nonprofit training center does not meet the standards established by the state board of education for programs of instruction for handicapped students in public schools.

B. [~~Mentally or physically~~] Handicapped students attending a nonprofit training center pursuant to this section shall be counted as non-handicapped students in computing membership of the school district for distribution of the basic state-support distribution of the public school equalization fund."

Section 3. EFFECTIVE DATE.–The effective date of this act shall be July 1, 1969.

PASSED
House 53 – 0
Senate 24 – 0
Signed April 4, 1969

[~~Bracketed Material~~] = Deletion

Underscored material = New

GOVERNORS' COMMITTEES COMMENTS ON WHAT CAN BE DONE TO IMPROVE THE STATE HIRING PROGRAM

"Make a survey of positions that could be occupied better by a handicapped than by a non-handicapped."

"Assistance could be used in assessing job standards related to safety and working with the state safety supervisor in developing standards to guide departments in utilizing the handicapped person in positions that would not be injurious to themselves or co-workers."

"Provide source of methods and techniques to plan program to effectively deal with employment and training of the handicapped."

"Increase publicity about handicapped individuals already in state service (types of jobs, degree of performance proficiency, etc.) and send regularly to heads and personnel officers in all the state agencies."

"Focus attention on the state policy relating to employment of the handicapped to encourage handicapped applicants to apply for positions in state service and to encourage department heads to utilize this program."

"Keep all states aware of new developments and what is going on in other states so that they may adopt a similar successful program if applicable."

"Provide promotional suggestions and materials."

"Study promotional suggestions and materials."

"Study positions and make recommendations for jobs that can be adapted for handicapped workers."

"Sponsor training programs for the handicapped and encourage them to apply for state employment."

"Keep aware of the job opportunities in state government."

"Continue coordinating function regarding new concepts, ideas, techniques, etc. Endorsement of National, State and Local policies which will provide a rationale of equal opportunity and citizenship for handicapped persons."

"Encouraging the employment of qualified handicapped people in state positions through public relations and publicity."

"Legislative assistance is needed to make certain slots available to the handicapped on a non-competitive basis."

"Recognition of any employers, public and private doing a good job in employing the handicapped. Provide a positive public education program."